

State Water Resources Control Board
Division of Drinking Water

October 27, 2017

Mike Powell, General Manager
Rand Communities Water District
P.O. Box 198
Randsburg, CA 93554

RE: Non Compliance with the 2016 Consumer Confidence Report – Rand Communities Water District - Water System No. 1510016 - Citation No. 03_19_17C_039

Dear Mr. Powell,

The State Water Resources Control Board (hereinafter State Board), Division of Drinking Water has issued Citation No. 03_19_17C_039, for failure to comply with the provisions of the California Health & Safety Code and Title 22, California Code of Regulations. Specifically, the Rand Communities Water District Water System (hereinafter "Water System") failed to comply with the Consumer Confidence Report (CCR) requirements, as specified in the California Health & Safety Code (CHSC) and Title 22, California Code of Regulations.

The California Safe Drinking Water Act, Section 116577, provides for the State Board to be reimbursed by the public water system for costs incurred for preparing and issuing an enforcement action to that system. Therefore, the Water System has been billed for the preparation and issuance of this citation. At this time, the State Board has spent approximately one (1) hour on enforcement activities associated with this violation. The hourly rate is subject to review and change upon approval. You will receive a bill for these costs following the end of the State's fiscal year, from our Fee Billing Unit in Sacramento.

Any person who is aggrieved by a citation, order or decision issued by the Deputy Director of the Division of Drinking Water under Article 8 (commencing with Health and Safety Code, Section 116625) or Article 9 (commencing with Health and Safety Code, Section 116650), of the Safe Drinking Water Act (Chapter 4, Part 12, Division 104, of the Health and Safety Code) may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix A to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (Health and Safety Code, Section 116701).

Petitions must be received by the State Board within 30 days of the issuance of the citation, order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day. Petitions must be received by 5:00 p.m.

Information regarding filing petitions may be found at:

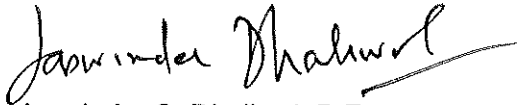
http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

4925 Commerce Drive, Suite 120, Bakersfield, CA 93309 | www.waterboards.ca.gov

If you have any questions regarding this matter, please contact our office at (661) 335-7315 or via email at DWPDIST19@waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink, reading "Jaswinder Dhaliwal". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
DRINKING WATER FIELD OPERATIONS BRANCH

Enclosure: Citation No. 03_19_17C_039

Certified Mail No. 7012 1010 0001 3880 1577

cc: Kern County Dept. of Public Health, Environmental Health Division

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Rand Communities Water District

Water System No: 1510016

Attention: Mike Powell, General Manager
Rand Communities Water District
P.O. Box 198
Randsburg, CA 93554

Issued: October 27, 2017

CITATION FOR NONCOMPLIANCE
CONSUMER CONFIDENCE REPORT VIOLATION
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64480(a) & 64483(c)
2016

The California Health and Safety Code (hereinafter "CHSC"), Section 116650 authorizes the State Water Resources Control Board (hereinafter "State Board") to issue a citation to a public water system when the State Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

The State Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues this citation pursuant to Section 116650 of the CHSC to the Rand Communities Water District Water System for

1 violation of CHSC, Section 116555(a)(1) and California Code of Regulations (hereinafter
2 "CCR"), Title 22, Section 64424.

3
4 A copy of the applicable statutes and regulations are included in **Appendix A**, which is
5 attached hereto and incorporated by reference.

6 7 STATEMENT OF FACTS

8 Rand Communities Water District Water System (hereinafter "Water System") is classified
9 as a community water system and serves a population of approximately 450 persons
10 through 250 service connections. The Water System operates under the authority of
11 Permit No. 03_92P_029, issued on December 4, 1992, by the California Department of
12 Public Health. Effective July 1, 2014, regulatory jurisdiction was transferred from the
13 California Department of Public Health to the State Water Resources Control Board.

14 15 DETERMINATION

16 Section 116470(a), CHSC, specifies that as a condition of its operating permit, every public
17 water system shall annually prepare a consumer confidence report and mail or deliver a
18 copy of that report to each customer. By a letter dated August 18, 2017, the State Board
19 requested a copy of the 2016 CCR and CCR Certification Form from the Water System.
20 A review of the State Board's records indicates that the State Board has not received a
21 copy of the 2016 CCR and CCR Certification Form. **Therefore, the State Board has**
22 **determined that the Water System violated CCR, Title 22, Sections 64480(a) and**
23 **64483(c) during the calendar year 2016.** In addition, the Water System is still required
24 to provide a CCR to its customers and mail a copy along with the CCR Certification Form
25 to the State Board for the year 2016, which were due no later than July 1, 2017 and
26 October 1, 2017, respectively, as described under the directives.

DIRECTIVES

Rand Communities Water District is hereby directed to take the following actions:

1. Cease violating the reporting requirements of Section 116470 of the CHSC, and Section 64483(c) of Title 22, California Code of Regulations.
2. **By November 15, 2017**, Rand Communities Water District shall submit a written response to the State Board acknowledging that it has received this citation and will comply with all the directives listed herein.
3. **By November 30, 2017**, Rand Communities Water District shall submit to the State Board a copy of the 2016 CCR issued to the customers and certification of distribution to customers of the 2016 CCR.
4. **By July 1, 2018**, Rand Communities Water District shall distribute a Consumer Confidence Report to each customer, reporting the water quality for the year 2017. The following website will serve as a guide to complete the 2017 CCR accurately.
http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/CCR.shtml
5. **By July 31, 2018**, Rand Communities Water District shall submit to the State Board certification of distribution to customers of the 2017 CCR, along with a copy of the 2017 CCR.

All submittals required by this Citation shall be submitted to the State Board at the following address:

Jaswinder S. Dhaliwal, P.E., Senior Sanitary Engineer
State Water Resources Control Board
Division of Drinking Water
4925 Commerce Drive, Suite 120
Bakersfield, CA 93309
Fax: (661) 335-7316
Email: DWPDIST19@waterboards.ca.gov

1 The State Board reserves the right to make such modifications to this Citation as it may
2 deem necessary to protect public health and safety. Such modifications may be issued
3 as amendments to this Citation and shall be effective upon issuance.

4
5 Nothing in this Citation relieves the Water System of its obligation to meet the requirements
6 of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with
7 Section 116270), or any regulation, standard, permit or order issued or adopted
8 thereunder.

9 10 **PARTIES BOUND**

11 This Citation shall apply to and be binding upon the Water System and its owners,
12 shareholders, officers, directors, agents, employees, contractors, successors, and
13 assignees.

14 15 **SEVERABILITY**

16 The directives of this Citation are severable, and the Water System shall comply with each
17 and every provision thereof notwithstanding the effectiveness of any provision.

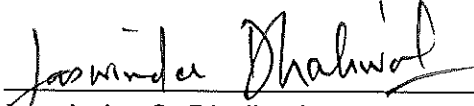
18 19 **FURTHER ENFORCEMENT ACTION**

20 The California SDWA authorizes the State Board to: issue a citation with assessment of
21 administrative penalties to a public water system for violation or continued violation of the
22 requirements of the California SDWA or any regulation, permit, standard, citation, or order
23 issued or adopted thereunder including, but not limited to, failure to correct a violation
24 identified in a citation or compliance order. The California SDWA also authorizes the State
25 Board to take action to suspend or revoke a permit that has been issued to a public water
26 system if the public water system has violated applicable law or regulations or has failed
27 to comply with an order of the State Board, and to petition the superior court to take various
28 enforcement measures against a public water system that has failed to comply with an

1 order of the State Board. The State Board does not waive any further enforcement action
2 by issuance of this Citation.

3
4 **CIVIL PENALTY**

5 Section 116650, subsections (d) and (e) of the H&S Code allow for the assessment of a
6 civil penalty for the failure to comply with the requirements of the Safe Drinking Water Act.
7 Failure to comply with any Directive of this Citation may result in the State Board imposing
8 an administrative penalty not to exceed one thousand dollars (\$1,000) per day for each
9 day that the violation continues beyond the date set for correction in this Citation. The
10 Water System has been billed at the current hourly rate since this is an enforcement action
11 for noncompliance with the regulations.

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14 
15 Jaswinder S. Dhaliwal, P.E.
16 Senior Sanitary Engineer
17 DRINKING WATER FIELD OPERATIONS BRANCH
18

19
20 Oct. 27, 2017
21 Date

22 Appendix (A): Applicable Statutes and Regulations

23 cc: Kern County Dept. of Public Health, Environmental Health Division

APPENDIX A. APPLICABLE STATUTES AND REGULATIONS FOR

Violations of Consumer Confidence Report

California Health and Safety Code (CHSC):

Section 116271 states in relevant part:

(a) The State Water Resources Control Board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The State Water Resources Control Board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the State Water Resources Control Board shall refer to the State Water Resources Control Board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

- (k)
- (1) The State Water Resources Control Board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.
 - (2) The deputy director is delegated the State Water Resources Control Board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken, but are not subject to reconsideration, by the State Water Resources Control Board. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the State Water Resources Control Board, but any aggrieved person may petition the State Water Resources Control Board for reconsideration of the decision or action. This subdivision is not a limitation on the State Water Resources Control Board's authority to delegate any other powers and duties.

§116470. Consumer confidence report and PHG report.

(a) As a condition of its operating permit, every public water system shall annually prepare a consumer confidence report and mail or deliver a copy of that report to each customer, other than an occupant, as defined in Section 799.28 of the Civil Code, of a recreational vehicle park. A public water system in a recreational vehicle park with occupants as defined in Section 799.28 of the Civil Code shall prominently display on a bulletin board at the entrance to or in the office of the park, and make available upon request, a copy of the report. The report shall include all of the following information:

- (1) The source of the water purveyed by the public water system.
- (2) A brief and plainly worded definition of the terms "maximum contaminant level," "primary drinking water standard," and "public health goal."
- (3) If any regulated contaminant is detected in public drinking water supplied by the system during the past year, the report shall include all of the following information:
 - (A) The level of the contaminant found in the drinking water, and the corresponding public health goal and primary drinking water standard for that contaminant.
 - (B) Any violations of the primary drinking water standard that have occurred as a result of the presence of the contaminant in the drinking water and a brief and plainly worded statement of health concerns that resulted in the regulation of that contaminant.

- (C) The public water system's address and phone number to enable customers to obtain further information concerning contaminants and potential health effects.
- (4) Information on the levels of unregulated contaminants, if any, for which monitoring is required pursuant to state or federal law or regulation.
- (5) Disclosure of any variances or exemptions from primary drinking water standards granted to the system and the basis therefor.
- (b) On or before July 1, 1998, and every three years thereafter, public water systems serving more than 10,000 service connections that detect one or more contaminants in drinking water that exceed the applicable public health goal, shall prepare a brief written report in plain language that does all of the following:
- (1) Identifies each contaminant detected in drinking water that exceeds the applicable public health goal.
 - (2) Discloses the numerical public health risk, determined by the office, associated with the maximum contaminant level for each contaminant identified in paragraph (1) and the numerical public health risk determined by the office associated with the public health goal for that contaminant.
 - (3) Identifies the category of risk to public health, including, but not limited to, carcinogenic, mutagenic, teratogenic, and acute toxicity, associated with exposure to the contaminant in drinking water, and includes a brief plainly worded description of these terms.
 - (4) Describes the best available technology, if any is then available on a commercial basis, to remove the contaminant or reduce the concentration of the contaminant. The public water system may, solely at its own discretion, briefly describe actions that have been taken on its own, or by other entities, to prevent the introduction of the contaminant into drinking water supplies.
 - (5) Estimates the aggregate cost and the cost per customer of utilizing the technology described in paragraph (4), if any, to reduce the concentration of that contaminant in drinking water to a level at or below the public health goal.
 - (6) Briefly describes what action, if any, the local water purveyor intends to take to reduce the concentration of the contaminant in public drinking water supplies and the basis for that decision.
- (c) Public water systems required to prepare a report pursuant to subdivision (b) shall hold a public hearing for the purpose of accepting and responding to public comment on the report. Public water systems may hold the public hearing as part of any regularly scheduled meeting.
- (d) The department shall not require a public water system to take any action to reduce or eliminate any exceedance of a public health goal.
- (e) Enforcement of this section does not require the department to amend a public water system's operating permit.
- (f) Pending adoption of a public health goal by the Office of Environmental Health Hazard Assessment pursuant to subdivision (c) of Section 116365, and in lieu thereof, public water systems shall use the national maximum contaminant level goal adopted by the United States Environmental Protection Agency for the corresponding contaminant for purposes of complying with the notice and hearing requirements of this section.
- (g) This section is intended to provide an alternative form for the federally required consumer confidence report as authorized by 42 U.S.C. Section 300g-3(c).

Section 116555 states in relevant part:

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
- (1) Complies with primary and secondary drinking water standards.
 - (2) Will not be subject to backflow under normal operating conditions.
 - (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116650 states in relevant part:

- (a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.

Section 116701. Petitions to Orders and Decisions states

- (a) Within 30 days of issuance of an order or decision issued by the deputy director under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration. Where the order or decision of the deputy director is issued after a hearing under Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, this section shall apply instead of Section 11521 of the Government Code.
- (b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.
- (c) The evidence before the state board shall consist of the record before the deputy director and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision of the deputy director.

(f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.

California Code of Regulations, Title 22 (CCR):

Section 64480. Applicability and Distribution.

(a) Except as provided in subsection (b), each community and nontransient-noncommunity (NTNC) water system shall prepare and deliver the first Consumer Confidence Report by July 1, 2001, and subsequent reports by July 1 annually thereafter. The first Consumer Confidence Report shall contain data collected during, or prior to, calendar year 2000, as prescribed by section 64481(d)(1). Each Consumer Confidence Report thereafter shall contain data collected during, or prior to, the previous calendar year.

(b) A new community or NTNC water system shall deliver its first Consumer Confidence Report by July 1 of the year after its first full calendar year in operation and subsequent reports by July 1 annually thereafter.

(c) A community or NTNC water system that sells water to another community or NTNC water system shall deliver the applicable information required in section 64481 to the purchasing system by no later than April 1 of each year or on a date mutually agreed upon by the seller and the purchaser, and specifically included in a contract between the parties.

Section 64481 (Content of the Consumer Confidence Report) states in relevant part:

(g) For the year covered by the report, the Consumer Confidence Report shall note any violations of paragraphs (1) through (7) and give related information, including any potential adverse health effects, and the steps the system has taken to correct the violation.

(1) Monitoring and reporting of compliance data.

Section 64483. Consumer Confidence Report Delivery and Recordkeeping.

(a) Each water system shall mail or directly deliver one copy of the Consumer Confidence Report to each customer.

(b) The system shall make a good faith effort to reach consumers who are served by the water system but are not bill-paying customers, such as renters or workers, using a mix of methods appropriate to the particular system such as: Posting the Consumer Confidence Reports on the Internet; mailing to postal patrons in metropolitan areas; advertising the availability of the Consumer Confidence Report in the news media; publication in a local newspaper; posting in public places such as cafeterias or lunch rooms of public buildings; delivery of multiple copies for distribution by single-biller customers such as apartment buildings or large private employers; and delivery to community organizations.

(c) No later than the date the water system is required to distribute the Consumer Confidence Report to its customers, each water system shall mail a copy of the report to the State Board, followed within 3 months by a certification that the report has been distributed to customers, and that the information is correct and consistent with the compliance monitoring data previously submitted to the State Board.

(d) No later than the date the water system is required to distribute the Consumer Confidence Report to its customers, each privately-owned water system shall mail a copy of the report to the California Public Utilities Commission.

(e) Each water system shall make its Consumer Confidence Report available to the public upon request.

(f) Each water system serving 100,000 or more persons shall post its current year's Consumer Confidence Report on a publicly-accessible site on the Internet.

(g) Each water system shall retain copies of its Consumer Confidence Reports for no less than 3 years

(d)